

MINUTES

DAKOTA COUNTY PHYSICAL DEVELOPMENT COMMITTEE OF THE WHOLE

October 13, 2009

Conference Room 520, 1 Mendota Road, West St. Paul, Minnesota

1. CALL TO ORDER AND ROLL CALL

Commissioner Paul J. Krause, Chair of the Physical Development Committee of the Whole, called the meeting to order at 9:00 a.m. Commissioners in attendance:

Commissioner Joseph A. Harris, District 1
Commissioner Kathleen Gaylord, District 2
Commissioner Thomas Egan, District 3
Commissioner Nancy Schouweiler, District 4
Commissioner Liz Workman, District 5
Commissioner Paul J. Krause, District 6
Commissioner Willis E. Branning, District 7

Also in attendance were:

Brandt Richardson, County Administrator
Lynn Thompson, Division Director
Jay Stassen, Assistant County Attorney
Jeanne Nash Hoffmann, Administrator Coordinator

2. INTRODUCTION OF NEW STAFF

There were no new staff to introduce.

3. AUDIENCE

Chair Krause asked if anyone in the audience wished to address the Committee on an item not on the agenda or if anyone wished to discuss an item on the Consent Agenda. No one came forward.

4. APPROVAL OF THE AGENDA

Motion by Commissioner Schouweiler, Second by Commissioner Harris, and passed on a 7-0 vote approve the agenda for October 13, 2009, as presented.

5. CONSENT/INFORMATION AGENDA

Motion by Commissioner Egan, Second by Commissioner Workman, and passed on a 7-0 vote to approve the consent agenda.

5.1 – Minutes Of The September 1, 2009 Meeting**5.2 –Adoption of Dakota County Energy Framework**

WHEREAS, in 2008 and 2009, the County Board included planning and action on energy use among its annual goals; and

WHEREAS, the 2009 Board Goal states: “[a]chieve a reduction in greenhouse gas emissions and support transition to alternative/renewable energy by adopting and implementing a County energy plan and related sustainability strategies”; and

WHEREAS, County staff has prepared a report ("Report") outlining a framework, structure, and suggested additional strategies that the County could pursue, which will help meet this overall goal of reducing greenhouse gas emissions and transitioning to the use of more renewable energy; and

WHEREAS, the County Board conducted a workshop on September 22, 2009, to review and discuss the Report; and

WHEREAS, the County Board has considered the County's statement of five foundational energy principles contained in the Report, which demonstrate the County's commitment and serve as the framework through which departments and programs can develop more specific policies and strategies to achieve County energy goals; and

WHEREAS, the County Report further outlines how the County could achieve a specific 15% reduction in greenhouse gas emissions by the year 2015, including preliminary cost estimates, which mirrors the emissions reduction target set by the Minnesota Legislature; and

WHEREAS, the County Board has reviewed a set of proposed strategies for reducing energy usage and greenhouse gas emissions in government operations, as well as the potential strategies involving further collaboration with external partners and communities to meet the County's energy goals; and

WHEREAS, the County Board has asked staff to continue to further refine those strategies, and to return to the Board in the future with individual proposals as appropriate, for additional consideration and fiscal evaluation; and

WHEREAS, the County Board has directed staff to continue pursuing opportunities to collaborate with local governments, and the Community Development Agency, on energy savings projects, and to leverage funds to take advantage of state and federal grants for work in this area.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts this statement of principles to guide future plans and strategy implementation regarding energy usage and greenhouse gas emission reduction:

"Dakota County will reduce energy consumed and greenhouse gas (GHG) emissions, use renewable resources, and sequester carbon. To do so will require ongoing commitment and leadership as demonstrated by implementation of the following principles:

- 1. Reduce energy use and GHG emissions from buildings through design, construction, operations, and user habits.*
- 2. Reduce energy use and GHG emissions in transportation through transportation fuel alternatives, fleet related business practices, and transportation system design and use.*
- 3. Manage waste, land, and water to conserve energy and sequester carbon.*
- 4. Increase renewable energy use to reduce GHG emissions and reliance on fossil fuels.*
- 5. Inform, advocate, and anticipate the future with others to collectively conserve energy, transition to renewable resources, and sequester carbon."*

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby adopts the target of reducing greenhouse gas emissions in government operations by 15% by 2015, based on a baseline emissions inventory for operations in the year 2005; and directs staff to report back to the Board by the end of 2010 on progress toward the target.

5.3 – Authorization To Appraise And Negotiate Purchase Of Terrence F. And Margaret A. Flower Property Within Spring lake Park Reserve

WHEREAS, to protect natural resources and to provide for public recreation, Dakota County purchases privately owned property according to the approved park master plans from willing sellers; and

WHEREAS, the Terrence F. and Margaret A. Flower property, located at 13586 Fischer Avenue in Nininger Township, is within the approved boundaries of Spring Lake Park Reserve; and

WHEREAS, acquisition of the Terrence F. and Margaret A. Flower property would provide public value, allow for the establishment of nature/cultural trails, management of ecological systems, stewardship of the park, preserve natural resources and open spaces; and

WHEREAS, Terrence F. and Margaret A. Flower have indicated to the County that they are willing sellers; and

WHEREAS, the Spring Lake Park Reserve Master Plan includes the Flower property as a high-priority in-holding and recommends County acquisition; and

WHEREAS, the Metropolitan Council's Acquisition Opportunity Fund (AOF) includes \$1.8 million available to the County for acquiring private properties within approved regional park boundaries;

WHEREAS, 75% of the cost of this eligible Flower acquisition project is available through the AOF; and

WHEREAS, use of the AOF requires a 25% non-reimbursable, match amount from the County.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks and Open Space Department to appraise and negotiate terms and conditions for the potential purchase of the Flower property located at 13586 Fischer Avenue in Nininger Township and within Spring Lake Park Reserve; and

BE IT FURTHER RESOLVED, That staff are hereby directed to present the results of negotiations for this potential acquisition at a future Physical Development Committee meeting.

5.4 – Authorization To Appraise And Negotiate Purchase Of Shadduck Trust Property Within Lebanon Hills Regional Park

WHEREAS, Dakota County purchases privately owned property from willing sellers to protect natural resources and to provide for public recreation according to the approved park master plans; and

WHEREAS, the Lebanon Hills Regional Park Master Plan includes the Shadduck Trust property, located at 1286 Carriage Hill Drive, as a high-priority in-holding and recommends County acquisition; and

WHEREAS, acquisition of the Shadduck Trust property would provide public value, permit trail realignment, and preserve natural resources and open spaces; and

WHEREAS, the trustee for the Shadduck Trust has indicated an interest and willingness to sell the property to the County; and

WHEREAS, the Metropolitan Council's Acquisition Opportunity Fund (AOF) includes \$1.8 million available to the County for acquiring private properties within approved regional park boundaries;

WHEREAS, 75% of the cost of acquiring the eligible Shadduck Trust property is available through the AOF; and

WHEREAS, use of the AOF for this project requires a 25% non-reimbursable, match amount from the County.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks and Open Space Department to appraise and negotiate terms and conditions for the potential purchase of the Shadduck Trust property within Lebanon Hills Regional Park; and

BE IT FURTHER RESOLVED, That the staff are hereby directed to present the results of negotiations for this potential acquisition at a future Physical Development Committee meeting.

5.5 – Authorization To Execute Amendment To Minnesota Pollution Control Agency Clean Water Partnership Grant Agreement And Budget

WHEREAS, Dakota County determined during the Clean Water Partnership Phase I Hastings Area Nitrate Study (HANS) that nitrate and pesticide contamination are impacting domestic and municipal water supplies in the eastern portion of the county; and

WHEREAS, Dakota County completed the Environmental Protection Agency (EPA) Section 319 Phase II Hastings Area Nitrate Study on September 30, 2008, working with the University of Minnesota Extension, the farming community of eastern Dakota County, and other project partners to conduct local research and provide outreach on appropriate nitrogen fertilizer rates and other practices to reduce groundwater contamination; and

WHEREAS, by Resolution No. 08-245 (May 20, 2008), the Dakota County Board of Commissioners granted authorization for the Physical Development Director to apply for a Minnesota Pollution Control Agency's (MPCA) Clean Water Partnership Continuation Grant program to continue and expand these activities; and

WHEREAS, the MPCA awarded Dakota County a three-year, \$214,888 Clean Water Partnership Continuation Grant, which, by Resolution No. 08-426 (October 7, 2008), the Dakota County Board of Commissioners authorized the Physical Development Division Director to accept and to execute the grant agreement, subject to approval by the County Attorney's Office as to form; and

WHEREAS, in February 2009, the MPCA reduced the amount of the Clean Water Partnership Continuation Grant to \$172,700 and changed the ending date of the grant to June 30, 2011, as part of the State of Minnesota's efforts to balance the state budget for 2009 and 2010; and

WHEREAS, the Vermillion River Watershed Joint Powers Organization (VRWJPO) has provided cost-share funding to the Dakota County Water Resources Department in amounts exceeding \$25,000 per year, and this funding can be used toward the matching requirement of this grant for three years (\$75,000), subject to the VRWJPO's annual budget approval process; and

WHEREAS, the VRWJPO cost-share funding for this grant was budgeted for twice in the Dakota County 2008 and 2009 budgets.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute the amended grant agreement, amending the grant amount from \$214,888 to \$172,700 and amending the ending date of the grant from September 30, 2011, to June 30, 2011, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the 2009 Water Resources Department budget is hereby amended as follows:

	Current	Amended
HANS Phase III Direct Program Expenses	\$289,036	\$171,848
HANS Phase III Minnesota PDC	\$214,036	\$171,848
HANS Phase III From Other Agencies	75,000	75,000
Total Revenues	\$289,036	\$171,848

5.6 – Authorization To Execute A Joint Powers Agreement With Marshan Township For Funding Of Waste Tire Collection Event

WHEREAS, Marshan Township sponsored a waste tire collection event for Marshan and Nininger Township residents, which was held on September 15, 16, and 19, 2009; and

WHEREAS, Marshan Township has requested funding, in an amount not to exceed \$5,000, from Dakota County to reimburse costs relating to the hauling and disposal of the tires collected during the waste tire collection event; and

WHEREAS, the 2009 Dakota County Environmental Management Department budget includes funding for these types of waste tire management activities; and

WHEREAS, waste tires serve as mosquito breeding habitats, posing a public health risk because of the possible transmission of mosquito borne viruses; and

WHEREAS, the Marshan Township waste tire collection event, and the subsequent disposal of waste tires, will benefit Dakota County residents; and

WHEREAS, the Environmental Management Department recommends that Dakota County execute a Joint Powers Agreement with Marshan Township, which provides for County reimbursement to the Township in the amount of \$5,000, for costs incurred by the Township for the hauling and disposal of waste tires collected during the Township's 2009 waste tire collection event.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a Joint Powers Agreement with Marshan Township, for reimbursement in an amount not to exceed \$5,000 to fund the hauling and disposal costs associated with the waste tire collection event held on September 15, 16, and 19, 2009, as presented to the Physical Development Committee of the Whole on October 13, 2009, subject to approval by the County Attorney's Office as to form.

5.7– Plat Commission Update – Information only; no action was requested.

6. REGULAR AGENDA

6.1 – Community Development Block Grant Planning In Dakota County –

CDA Executive Director Mark Ulfers and CDA Director of Community Revitalization Dan Rogness briefed the Committee on the CDBG/HOME consolidated planning process in anticipation of the development of the 2010 – 2014 Five Year Consolidated Plan. They highlighted FY 2005-2009 CDBG and HOME Activities and the FY 2005-2009 Consolidated Plan activities and the process and timeline that calls for the Plan to be sent to HUD by May 15, 2010. Directors Ulfers and Rogness responded to questions. The Committee indicated that CDA needs to encourage cities to continue to work together with these programs. CDA staff will return to the PDC between the February Draft Consolidated Plan and the March Public Comment Period with an update to the Committee.

6.2 – Information On Amending County Ordinance No. 126, Management Of Public Right Of Way And Other Document Updates – INFORMATION

County Traffic Engineer Kristi Sebastian briefed the Committee on the changes to the Ordinance on the Management of Public Right of Way. Changes are being proposed to provide for cost effective opportunities for transit facilities, effective management of highway right of way, and provide for an efficient appeal process. Kristi briefed on the collaboration that took place in refining the ordinance. Staff will now finalize the document language, incorporating input from today's meeting, and continue to work with cities and transit providers to ensure advertising requirements result in an image for transit that is consistent with transit plan objectives. Staff was requested to look at the city banners along County roads that may contain business advertising. They were also asked to closely look at the definition of "advertising." The next steps include conducting a public hearing to receive comments on the draft ordinance, and consideration for adoption of the ordinance and other applicable policy documents.

6.3 – Authorization To Execute Agreement With City Of Inver Grove Heights For Revocation Of County Road Status For County Road 24

Assistant County Engineer Todd Howard briefed the Committee on the turnback of CR 24 to the City of Inver Grove Heights. He indicated that the negotiated amount of this turnback of \$291,000 includes the cost to construct a trail that would connect Concord Avenue to the Mississippi River Regional Trail. Todd responded to questions on what the rationale was on turning back a road and what the negotiated funding could be used for. The County pays for the upgrade to the road to the same degree that the County would do if it had retained its CR designation.

Motion by Commissioner Branning, Second by Commissioner Schouweiler and passed on a 7-0 vote to recommend that the County Board adopt the following resolution:

WHEREAS, jurisdictional transfers are accomplished in accordance with Minnesota Statutes 163.11; and

WHEREAS, County Road 24 (66th Street) is identified for jurisdictional transfer in the adopted Dakota County 2025 Transportation Plan due low traffic volume serving only local traffic; and

WHEREAS, County Policy for jurisdictional transfer requires that both agencies agree on compensation; and

WHEREAS, estimates completed by county staff determined that the cost of the improvements would be \$291,000; and

WHEREAS, the 2009 Transportation Capital Improvement Program budget includes \$500,000 for jurisdictional classification; and

WHEREAS, upon completion of the revocation, the City of Inver Grove Heights will assume total responsibility for all maintenance, repair, reconstruction, and traffic control devices which are implied by ownership.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an agreement with the City of Inver Grove Heights for the purpose of revoking County Road status for County Road 24 upon execution of a revocation agreement with compensation of \$291,000, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That upon execution of the revocation agreement, the Dakota County Board of Commissioners hereby revokes County Road status on County Road 24 as follows:

Beginning at the intersection of the centerline of said County State Aid Highway No. 24 with the easterly right of way boundary of County State Aid Highway 56; thence easterly along said centerline through Government Lot 6 and Government Lot 10 in Section 2, Township 27 North, Range 22 West, to its intersection with the western shore of the Mississippi River and said line there terminating

; and

BE IT FURTHER RESOLVED, That the County Board Chair is hereby authorized to execute the Quit Claim Deed with the City of Inver Grove Heights after the revocation agreement has been executed, in a form approved by the County Attorney's Office, releasing the County's interest in the right of way for the above described roadway; and

BE IT FURTHER RESOLVED, That the Transportation Department's 2009 Capital Improvement budget is hereby amended as follows:

Expense	
CR 24 Inver Grove Heights	\$291,000
Jurisdictional Transfer	(291,000)
Total Expense	0

Presentation of Information by Inver Grove Heights

After the adoption of the resolution, Mayor Tourville from Inver Grove Heights, City Administrator Joe Lynch and Parks Director Eric Carlson briefed the Committee on the latest developments regarding the Rock Island Swing Bridge (bridge). The City put together a plan for reuse of the remaining piers of the bridge. The County has issued a quit claim deed to the City. Their plan would show the city assuming the ownership, liability, maintenance operations and long term capital investment for the bridge. The City representatives indicated that there would be an opportunity for County participation in the project. The City is completing a federal grant request for \$1.3 million that is due on November 13. If the grant is awarded, the City would go out for bid on the project. Discussion was held on the County's possible participation in this project. More information on the total cost for this project will be known after the bids are received. Other possible funding sources and partners will be identified at that time.

6.4 – Present Parks And Open Space Department’s Geocaching Guidelines - INFORMATION

Park Operations and Education Manager Beth Landahl briefed the Committee on geocaching, on the guidelines that the Parks and Open Space Department was instituting regarding geocaching in the County's parks, and on geocaching guidelines that other agencies have adopted. This was an informational item, no action was requested.

DIRECTOR’S REPORT

Lynn Thompson provided her update to the Physical Development Committee:

ADJOURNMENT

Motion by Commissioner Schouweiler, Second by Commissioner Workman and passed on a 7-0 voice vote to adjourn the meeting at 12:07 p.m.

Respectfully submitted:

Jeanne Nash Hoffmann
Administrative Coordinator